

## **Title 18 – Natural Resources**

### **Chapter 4 – Hunting and Gathering**

**Sec.**

|           |   |
|-----------|---|
| 18-04.010 | Title   |
| 18-04.020 | Declaration of Policy                               |
|           | <i>Subchapter I – Administration</i>                |
| 18-04.030 | Eligible Hunters and Gatherers                      |
| 18-04.040 | Designated Hunters                                  |
| 18-04.050 | Commercial Benefits                                 |
| 18-04.060 | Permits and Identification                          |
| 18-04.070 | Revocation or Suspension of Permits                 |
| 18-04.080 | Game Tags   |
|           | <i>Subchapter II – Gear Restrictions</i>            |
| 18-04.090 | Firearms  |
| 18-04.100 | Bows and Arrows                                     |
| 18-04.110 | Traps   |
| 18-04.120 | Muzzle-Loading Rifles                               |
|           | <i>Subchapter III – Conservation Infractions</i>    |
| 18-04.130 | All Areas Presumed Closed                           |
| 18-04.140 | Hunting During Closed Season                        |
| 18-04.150 | Hunting in Closed Areas                             |
| 18-04.160 | Possession of Wildlife Taken During a Closed Season |
| 18-04.170 | Bag Limits  |
| 18-04.180 | Wasting Big Game                                    |
| 18-04.190 | Wasting Big Game (Criminal)                         |
| 18-04.200 | Wasting Game Birds or Game Animals                  |
| 18-04.210 | Wasting Game Birds or Game Animals (Criminal)       |
| 18-04.220 | Selling Game  |
| 18-04.230 | Laying Out a Drug, Explosive, or Poison             |
| 18-04.240 | Laying Out Bait                                     |
| 18-04.250 | Use of Dogs   |
| 18-04.260 | Hunting with Artificial Light                       |
| 18-04.270 | Hunting from a Vehicle                              |
|           | <i>Subchapter IV – Safety Infractions</i>           |
| 18-04.280 | Shooting Firearms Across Public Roads               |
| 18-04.290 | Shooting Arrows Across Public Roads                 |
| 18-04.300 | Shooting Livestock                                  |
| 18-04.310 | Hunting While Intoxicated                           |
| 18-04.320 | Hunting at Night                                    |
| 18-04.330 | Transporting Loaded Firearms                        |

|           |  |
|-----------|--|
|           | <i>Subchapter V – Administrative Infractions</i> |
| 18-04.340 | Failure to Produce Permit or Identification      |
| 18-04.350 | Multiple Permits Prohibited                      |
| 18-04.360 | Designated Hunter Violations                     |
| 18-04.370 | Reporting Bagged Game                            |
| 18-04.380 | Field Identification of Big Game                 |
| 18-04.390 | Transporting Big Game                            |
| 18-04.400 | Defacing   |
| 18-04.410 | Littering  |
| 18-04.420 | Trespass   |
| 18-04.430 | Assisting a Violation                            |
| 18-04.440 | Hunting While License Revoked or Suspended       |

### **Legislative History**

**Enacted:**

Ordinance 251 (10/12/06), BIA (10/12/06).

**Repealed or Superseded:**

Codifying Title 18, Ord. 207 (1/27/04), BIA (2/9/04).

Allowing for Electronic Home Monitoring in Sentencing, Ord. 156 (7/2/02), BIA (7/26/02) (amending the Criminal Ordinance, Criminal Traffic Ordinance, Fisheries Ordinance, and Hunting Ordinance).

Hunting Ord., Ord. 59 (1/10/89), Enacting Res. 89-1-5, BIA (1/24/89) (modifying Ord. 57 with respect to the scope of tribal jurisdiction and repealing and superseding all previous hunting ordinances).

Hunting Ord., Ord. 57, Enacting Res. 88-8-55 (8/31/88) (approved subject to the condition that it be modified regarding the scope of tribal jurisdiction; repealing and superseding all prior hunting ordinances).

Big Game Hunting Ord., Ord. 56 (9/1/87), Enacting Res. 87-9-95 BIA, (10/26/87).

Big Game Hunting Regulations, Res. 86-12-115 (12/15/86).

Modifying Ord. 8 (10/13/41).

Ord. 8 (no date).

[Ed. Note. Enacting Res. 89-1-5 is misdated 1/10/88. The correct date is 1/10/89.]

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**18-04.010 Title.**

This Chapter shall be known as the “Swinomish Hunting and Gathering Code.”

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.020 Declaration of Policy.**

By the Treaty of Point Elliott, the Swinomish Indian Tribal Community reserved the right to

hunt and gather on open and unclaimed lands. Art. 5, Stat. 927 (1855). Hunting and gathering have always been essential to the life of the Tribe. The purpose of this Chapter is to control and manage hunting and gathering within the exterior boundaries of the Reservation and on all open and unclaimed lands within the State of Washington in order to use and conserve the game and plant resources.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

### *Subchapter I – Administration*

#### **18-04.030 Eligible Hunters and Gatherers.**

- (A) **Enrolled Members.** Enrolled members of the Tribe who are eighteen (18) years of age and older are eligible to apply for hunting and gathering permits under the terms and conditions of this Title.
- (B) **Firearms.** Tribal members who have been convicted by any court of competent jurisdiction of a crime for which the penalty includes a prohibition against the carrying of firearms are ineligible to use a firearm while exercising treaty hunting rights.
- (C) **Minors--Hunting.**
  - (1) Enrolled members of the Tribe who are sixteen (16) or seventeen (17) years of age and who have completed a firearms safety course approved by the Tribe or the Washington Department of Fish and Wildlife are eligible to apply for a hunting permit. Proof of completion of a firearms safety course as required by this Section shall be furnished to the Game Manager prior to the issuance of a permit and tag(s).
  - (2) Enrolled members of the Tribe who are fourteen (14) or fifteen (15) years of age who have completed a firearms safety course approved by the Tribe or the Washington Department of Fish and Wildlife and who are accompanied by an adult tribal member while hunting are eligible to apply for a hunting permit. Proof of completion of a firearms safety course as required by this Section shall be furnished to the Game Manager prior to the issuance of a permit and tag(s).
- (D) **Minors – Gathering.** Enrolled members of the Tribe under the age of eighteen (18) may accompany and assist another enrolled member of the Tribe who has obtained a permit to gather under Section 18-04.060(B).

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

#### **18-04.040 Designated Hunters.**

- (A) The Game Manager may issue a permit and tags for a tribal hunter to hunt for another

person only if the following requirements are met:

- (1) The hunter must be an enrolled member eligible to hunt under this Chapter and his or her hunting privileges must not be suspended or revoked;
  - (2) The hunter may not obtain another tag, either for himself or for another person benefiting from the hunt, before turning in all outstanding tags;
  - (3) The person benefiting from the hunt must be an enrolled tribal member whose hunting privileges have not been suspended or revoked;
  - (4) The person benefiting from the hunt must have his or her name on the tag; and
  - (5) The person who pays for the permit shall get the refund referred to in Section 18-04.080(C)(2).
- (B) The person benefiting from the hunt may pay the designated hunter the actual expense of the hunt but shall not compensate the hunter for the meat.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

#### **18-04.050 Commercial Benefits.**

No person or entity other than a tribal member or a tribal enterprise shall be entitled to directly benefit from the exercise of tribal hunting or gathering rights.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

#### **18-04.060 Permits and Identification.**

##### **(A) Hunting.**

(1) **Required.** No person shall participate in any manner in tribal hunting activities, whether as a tribal hunter or designated hunter, unless he or she is in possession of a valid and current Tribal Identification Card and the necessary permits as provided for in this Chapter and applicable regulations.

##### **(B) Gathering.**

- (1) **Required.** No person shall participate in any manner in tribal gathering activities
  - a) on private industrial timberlands or other private lands for which the Tribe has negotiated an access agreement; or
  - b) on public lands south of a line running easterly from Point Pully to the crest of the Cascade Mountains and/or east of the crest of the Cascade

Mountains; or

c) within a national park with which the Tribe has not negotiated an access agreement

unless he or she is in possession of a valid and current Tribal Identification Card and the necessary permits as provided for in this Chapter and applicable regulations.

- (2) **Not Required.** Permits to gather on all public lands within the State of Washington other than those identified in Section 18-04.060(B)(1) above shall not be required.
- (C) **Fees.** The Senate may, from time-to-time, set fees for permits required by this Chapter; Provided that no fees shall be set for permits for hunting or gathering for ceremonial purposes.
- (D) **Seasonal Basis.** Tribal hunting and gathering permits shall be issued on a seasonal basis. The Fish and Game Management Commission shall set seasons by regulation. A permit is valid for the season for which it is issued.
- (E) **Satisfaction of All Fines and Penalties.** The Game Manager shall not issue a permit for any season unless the applicant has fully paid all outstanding fines, fees, costs, damages, or other monetary assessments arising from previous hunting or hunting-related offenses. The applicant must also have served all jail time and satisfied all other sanctions or orders of the court.
- (F) **Penalties.** Any violation of Section 18-04.060 is a Class C infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

#### **18-04.070 Revocation or Suspension of Permits.**

- (A) The Senate may revoke or suspend any permit upon the recommendation of the Game Manager or the Fish and Game Management Commission for good cause when the Senate determines it would be in the best interest of the Tribe.
- (B) **“Good cause”** shall include, but not be limited to:
- (1) Three (3) or more violations of this Chapter;
  - (2) Conviction of a major crime under the Swinomish Criminal Code, the United States Criminal Code; or the criminal code of any state of the United States;
  - (3) Failure to appear in court as required;
  - (4) Failure to comply with court orders, including sentencing orders regarding the following:

- (a) Any violation of this Chapter or any rule or regulation promulgated hereunder;
  - (b) Any hunting-related violation of Title 4 – Criminal Code;
  - (c) Any Class A violation of Title 4 – Criminal Code; or
  - (d) Any felony under the laws of the United States or any state of the United States.
- (5) Conviction for an assault on an Enforcement Officer, police officer, or other tribal official;
- (6) Conviction of a violation of this Chapter or Title 4 – Criminal Code that involves the reckless disregard for the safety of others while hunting or an affidavit from an Enforcement Officer stating that the hunter was engaged in activity that constituted the reckless disregard for the safety of others while hunting; and
- (7) Any actions that might jeopardize the Tribe’s ability or opportunity to responsibly manage and harvest game resources.
- (C) Prior to any such revocation or suspension, the Game Manager shall provide written notice to the permittee and ensure that permittee has an opportunity to be heard before the Senate.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.080 Game Tags.**

- (A) All persons hunting game shall carry game tags with them while hunting. Tags shall be obtained in person from the Game Manager or his or her designee.
- (B) The tag shall include the following information:
- (1) Tag number;
  - (2) Species;
  - (3) Type of hunt (*i.e.* subsistence, ceremonial, or designated hunter);
  - (4) Period for which the hunting tag was issued;
  - (5) Hunter’s signature;
  - (6) Signature of the Game Manager or his or her designee;

- (7) Game Management Unit where the animal was killed;
  - (8) The animal's sex; and
  - (9) The animal's points or estimated age.
- (C) **Fees.**
- (1) The fee for a hunting tag shall be a maximum of ten dollars (\$10.00) per hunter per permit.
  - (2) Hunters who return unused tags by the first Friday in March are eligible for a five dollar (\$5.00) refund.
- (D) Elk tags shall be issued per regulation.
- (E) Successful hunters shall return all completed game tags to the Game Manager, or his or her designee, within seventy-two (72) hours of the hunt.
- (F) **Penalties.** Any violation of this Section 18-04.080 is a Class C infraction. In addition, the hunter shall be ineligible to receive a game tag for the same species the season following the season in which the hunter committed the infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04).

### *Subchapter II – Gear Restrictions*

#### **18-04.090 Firearms.**

- (A) No person shall hunt big game with any of the following:
- (1) A fully automatic firearm;
  - (2) A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches;
  - (3) A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yards;
  - (4) A rifle cartridge containing a bullet other than a mushrooming or expanding type and designed for big game hunting;
  - (5) A shotgun; except that a shotgun that is 20 gauge or larger, using shells loaded with slugs or buckshot size # 1 or larger, may be used to hunt deer and bear; or
  - (6) A handgun.

(B) **Penalties.** Any violation of Section 18-04.090(A) is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.100 Bows and Arrows.**

(A) No person shall hunt big game with any of the following:

(1) A bow that possesses less than 40 pounds of pull, measured at 28 inches or less draw length; or

(2) A crossbow.

(B) **Penalties.** Any violation of Section 18-04.100(A) is a Class B infraction.

[History] Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.110 Traps.**

(A) No person shall hunt big game with a trap.

(B) **Penalties.** Any violation of Section 18-04.110(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.120 Muzzle-Loading Rifles.**

(A) No person shall carry or possess any muzzle-loading rifle that does not meet the following requirements:

(1) If the rifle has a removable breech plug, such removal must require the use of tools.

(2) The barrel length must be a minimum of 20 inches and the caliber must be a minimum 40 caliber. Measurements are to be taken from land to land in the barrel.

(3) Ignition is to be wheellock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements.

(B) Hunting with a muzzle-loading pistol is prohibited.

(C) **Penalties.** A violation of Section 18-04.120(A) or (B) is a Class B violation.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04).

*Subchapter III – Hunting Conservation Infractions*

**18-04.130 All Hunting Areas Presumed Closed.**

All open and unclaimed lands within the State of Washington are closed to hunting until such time as they are opened by regulation. Areas opened by regulation are only opened to hunting in accordance with this Title, and any rule or regulation promulgated hereunder.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.140 Hunting During Closed Season.**

(A) Any person who hunts during a closed season as established by this Chapter or any rule or regulation issued hereunder has committed a civil conservation infraction.

(B) **Penalties.** Violation of Section 18-04.140(A) is a Class A infraction.

[History] Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.150 Hunting in Closed Areas.**

(A) Any person who hunts within the boundaries of a closed area designated by this Chapter or any rule or regulation issued hereunder has committed a civil conservation infraction.

(B) **Penalties.** Any violation of Section 18-04.150(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.160 Possession of Wildlife Taken During a Closed Season.**

(A) Any person who possesses any wildlife killed during a closed season or who otherwise possesses or kills an animal contrary to this Chapter or any rule or regulation issued hereunder has committed a civil conservation infraction.

(B) **Penalties.** Any violation of Section 18-04.160(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.170 Bag Limits.**

(A) Any person who exceeds the bag limit set by regulation issued pursuant to the terms of this Chapter has committed a civil conservation infraction.

(B) **Penalties.** Any violation of Section 18-04.170(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.180 Wasting Big Game.**

- (A) Any person who kills big game and causes it to go to waste has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of Section 18-04.180(A) is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.190 Wasting Big Game (Criminal).**

- (A) No person shall kill big game and intentionally or willfully cause it to go to waste.
- (B) **Penalties.** Wasting Big Game (Criminal) is a Class A offense, punishable under Section 4-12.020(A) of the Criminal Code. In addition to the penalties for a Class A offense of the Criminal Code, the offender shall be subject to the suspension of hunting privileges for a Class A infraction of the Hunting Code, punishable under Section 18-06.030(A).

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04).

**18-04.200 Wasting Game Birds or Game Animals.**

- (A) Any person who kills game birds or game animals and causes them to waste has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of Section 18-04.200(A) is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.210 Wasting Game Birds or Game Animals (Criminal).**

- (A) No person shall kill a game bird or game animal and intentionally or willfully cause it to go to waste.
- (B) **Penalties.** Wasting Game Birds or Game Animals (Criminal) is a Class A offense, punishable under Section 4-12.020(A) of the Criminal Code. In addition to the penalties for a Class A offense of the Criminal Code, the offender shall be subject to the suspension of hunting privileges for a Class A infraction of the Hunting Code, punishable under Section 18-08.030(A).

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04).

**18-04.220 Selling Game.**

- (A) Any person who sells meat for money from game taken in the exercise of treaty rights

has committed a civil conservation infraction.

- (B) **Penalties.** Any violation of Section 18-04.220(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.230 Laying Out a Drug, Explosive, or Poison.**

- (A) Any person who lays or sets out a drug, explosive, or poison that may endanger, injure or kill wildlife has committed a civil conservation infraction.
- (B) This Section does not apply to any person engaged in valid scientific research that has been approved by the Game Manager.
- (C) **Penalties.** Any violation of Section 18-04.230(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.240 Laying Out Bait.**

- (A) Any person who lays or sets out any bait, including but not limited to salt licks, to lure wildlife for hunting has committed a civil conservation violation.
- (B) This Section does not apply to any person engaged in valid scientific research that has been approved by the Game Manager.
- (C) **Penalties.** Any violation of Section 18-04.240(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.250 Use of Dogs.**

- (A) Any person accompanied by a dog while deer or elk hunting has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of Section 18-04.250(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.260 Hunting with Artificial Light.**

- (A) Any person who hunts game with an artificial light has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of this Section 18-04.260 is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.270 Hunting from a Vehicle.**

- (A) Any person who hunts game from within or upon a moving motor vehicle or pursues game off a road with a moving motor vehicle has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of Section 18-04.270(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

*Subchapter IV – Hunting Safety Infractions*

**18-04.280 Shooting Firearms Across Public Roads.**

- (A) Any person, except an authorized law enforcement officer, who discharges a firearm from, across, or along the maintained portion of a public road while hunting has committed a civil safety infraction.
- (B) **Penalties.** Any violation of Section 18-04.280(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.290 Shooting Arrows Across Public Roads.**

- (A) Any person who shoots an arrow from a vehicle or shoots an arrow from, across, or along the maintained portion of a public road while hunting has committed a civil safety infraction.
- (B) **Penalties.** Any violation of Section 18-04.290(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.300 Shooting Livestock.**

- (A) Any person who shoots any domestic livestock while hunting has committed a civil safety infraction.
- (B) **Penalties.** Any violation of Section 18-04.300(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.310 Hunting While Intoxicated.**

- (A) Any person who hunts while under the influence of alcohol or illegal drugs has committed a civil safety infraction.

(B) **Penalties.** Any violation of Section 18-04.310(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.320 Hunting at Night.**

(A) Any person who hunts at night, defined as the period between fifteen (15) minutes after the official time of sunset and fifteen (15) minutes before the official time of sunrise, has committed a civil safety infraction.

(B) **Penalties.** Any violation of Section 18-04.320(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.330 Transporting Loaded Firearms.**

(A) Any person, except an authorized law enforcement officer, who carries, transports, conveys, or possesses either of the following in a motor vehicle while hunting has committed a civil safety infraction:

- (1) A shotgun or rifle containing shells or cartridges in the magazine or chamber;  
or
- (2) A muzzle-loading firearm loaded and capped or primed.

(B) **Penalties.** Any violation of Section 18-04.330(A) is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

*Subchapter V – Hunting and Gathering Administrative Infractions*

**18-04.340 Failure to Produce Permit or Identification.**

(A) A hunter or gatherer shall produce for examination his or her tribal permit, as applicable, and Tribal Identification Card upon the demand of an Enforcement Officer or a state or federal official who is authorized to monitor tribal hunting gathering activity.

(B) Failure to produce the Tribal Identification Card and any permit issued pursuant to this Chapter shall be separate violations of this Chapter.

(C) **Penalties.**

- (1) **Not in Possession.** Any violation of Section 18-04.340(A) where the hunter or gatherer has the permit or identification but it is not in his immediate possession is a Class C infraction.

- (2) **No Permit or Identification at All.** Any violation of Section 18-04.340(A) where the hunter or gatherer does not have a required permit or identification at all is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.350 Multiple Permits Prohibited.**

- (A) No person may hunt or gather, or assist in the exercise of Swinomish treaty hunting or gathering rights, while simultaneously exercising, or receiving benefits from, the treaty hunting rights of another Tribe.
- (B) **Penalties.** Any violation of Section 18-04.350(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.360 Designated Hunter Violations.**

- (A) No person shall sell or purchase meat from a designated hunt, as defined in Section 18-04.050.
- (B) **Penalties.** Any violation of Section 18-04.360(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.370 Reporting Bagged Game.**

- (A) Any person who fails to submit all harvest data specified on the tribal game tag and as required by this Chapter, or any rule or regulation issued hereunder, has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of Section 18-04.370(A) is a Class C infraction. In addition, the person in violation of this Section shall not be eligible to receive a tag for the same species during the season following the season in which the violator committed the infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.380 Field Identification of Big Game.**

- (A) The head of a big game animal shall be in close proximity to the carcass in the field and in the same vehicle as the carcass while being transported.
- (B) **Penalties.** Any violation of Section 18-04.380(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.390 Transporting Big Game.**

- (A) Any person who transports big game without attaching to the carcass a valid tribal game tag with the date of kill notched out has committed a civil regulatory infraction.
- (B) **Penalties.** Any violation of Section 18-04.390(A) is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.400 Defacing.**

- (A) Any person who, while hunting or gathering, destroys or damages any printed matter or signs placed or posted by the Tribe, the State of Washington, private parties, or the federal government to assist in the enforcement of hunting or gathering regulations has committed a civil regulatory violation.
- (B) **Penalties.** Any violation of Section 18-04.400(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.410 Littering.**

- (A) Any person who, while hunting or gathering, leaves litter on any land not owned by the hunter or gatherer has committed a civil regulatory infraction.
- (B) **Penalties.** Any violation of Section 18-04.410(A) is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.420 Trespass.**

- (A) Any person who knowingly hunts or gathers on privately owned land without the Tribe having obtained the written permission of the landowner or lessee has committed a civil regulatory violation.
- (B) **Penalties.** Any violation of Section 18-04.420(A) is a Class B infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.430 Assisting a Violation.**

- (A) Any person who knowingly assists, aids, or abets another person to engage in conduct that violates this Chapter, or any rules or regulations issued hereunder, has committed a civil regulatory infraction.
- (B) **Penalties.** Any violation of Section 18-04.430(A) shall be classified as one class below the class of the infraction assisted. However, where the infraction assisted is classified

as a Class D infraction, then a violation of Section 18-04.430(A) shall be also classified as a Class D infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.440 Hunting or Gathering While Privilege Revoked or Suspended.**

- (A) It is unlawful for any person to hunt or gather while his or her hunting or gathering privilege has been suspended or revoked.
- (B) **Penalties.** Any violation of Section 18-04.440(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).

*Subchapter VI – Gathering Conservation Infractions*

**18-04.150 Gathering in Closed Areas.**

- (A) Any person who gathers without a tribal permit within the boundaries of an area for which a permit is required by this Chapter or any rule or regulation issued hereunder has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of Section 18-04.150(A) is a Class A infraction.

[History] Ord. 207 (1/27/04); Ord. 59 (1/10/89).

**18-04.160 Possession of Illegally Plants Taken.**

- (A) Any person who possesses any plant gathered contrary to this Chapter or any rule or regulation issued hereunder has committed a civil conservation infraction.
- (B) **Penalties.** Any violation of Section 18-04.160(A) is a Class A infraction.

[History] Ord. 251 (10/12/06); Ord. 207 (1/27/04); Ord. 59 (1/10/89).